

REMARKS/ARGUMENTS:

Reconsideration of the above identified application is respectfully requested.

In the Office action dated January 3, 2006, claims 2-6 are rejected under 35 U.S.C. § 112, second paragraph. Additionally, claims 1-6 are rejected under 35 U.S.C. § 103(a) over CN 1346648 A (hereinafter "CN '648").

Applicants also acknowledge safe receipt of the "Notice of References Cited" (form PTO-892) and an English translation of the abstract of CN '648 reference.

With respect to the rejections under 35 U.S.C. § 112, second paragraph, Applicant has amended claims 1 and 3 and cancelled claims 2, and 4-6. In addition, Applicant added new claims 7-16 to further clarify the invention claimed in the original claim 2. No new matter has been introduced.

With respect to the rejections under 35 U.S.C. § 103(a), Applicant respectfully traverses the rejections for the reasons set forth below.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 2-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for various reasons.

In order to overcome the rejections and further clarify the invention, Applicant has chosen to rewrite claim 2 in new claims 7-16. These new claims are firmly supported by the specification and the original claim 2 as originally filed. No new matter has been introduced.

Applicant respectfully submits that the cancellation of claims 2, 5-6 and the amendment of claims 3-4 have overcome the rejections.

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the CN '648 reference. However, the Examiner also acknowledged that the CN '648 reference was published on May 1, 2002, which is later than the claimed priority date of the Chinese counterpart application of the present claimed invention, which was filed on April 21, 2002.

The Examiner cited 37 CFR § 1.55 to support her reason for not allowing Applicant to rely upon his Chinese foreign priority date to disqualify the CN '648 reference as prior art, which, according to the Examiner, is because Applicant has not provided a translation of the foreign priority document.

However, the Examiner's reason for not allowing Applicant to use his claimed priority date is fundamentally flawed. The present application is based upon the PCT application of the Chinese counterpart application filed on April 21, 2002, as confirmed by the PCT cover page. Therefore, the present application, in fact, is and reflects the English translation of the Chinese counterpart application. In other words, the Examiner is looking at the English translation of the Chinese counterpart application when she reads the present application, and there is no need for Applicant to provide another translation of the same to the PTO. Nevertheless, should the Examiner decide there is still a need for Applicant to provide a certificate of translation for the Chinese original application, Applicant would be happy to provide one upon the Examiner's request.

Because the CN '648 reference is not the proper prior art over Applicant's claimed invention, Applicant respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 103(a).

In view of the foregoing, the objection and rejections have been overcome and the claims are in condition for allowance, early notice of which is requested. Should the application not be passed for issuance, the examiner is requested to contact the applicant's attorney to resolve the problem.

Respectfully submitted,

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